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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,886	06/25/2003	Kieran P. Murphy	331202.00007	2271

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PATENT ADMINSTRATOR
KATTEN MUCHIN ZAVIS ROSENMAN
525 WEST MONROE STREET
SUITE 1600
CHICAGO, IL 60661-3693

EXAMINER

WHITE, RODNEY BARNETT

ART UNIT	PAPER NUMBER
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3636

DATE MAILED: 06/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Interview Summary	Application No. 10/602,886	Applicant(s) MURPHY ET AL.	
	Examiner Rodney B. White	Art Unit 3636	

All participants (applicant, applicant's representative, PTO personnel):

(1) Rodney B. White. (3) _____.

(2) Richard P. Bauer, (#31,588). (4) _____.

Date of Interview: 14 June 2004.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.

If Yes, brief description: _____.

Claim(s) discussed: 1-13.

Identification of prior art discussed: _____.


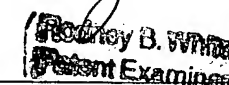
Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Called Applicant's Representative due to the Restriction requirement of the present invention to see if he wanted to elect by phone Applicant, by way of his Representative, elected Claim 13 drawn to the spinal catheter. (See Attachment).

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-11, drawn to a surgical chair, classified in class 297, subclass 423.11.
- II. Claims 12, drawn to a prepackaged sterile tray, classified in class 206, subclass 570.
- III. Claim 13, drawn to a spinal catheter, classified in class 604, subclass 540.

The inventions are distinct, each from the other because of the following reasons:

Inventions I, II, and III are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are used in a medical or surgical capacity. However, the "surgical chair" of the present invention is nothing more than a common massage chair, the tray, though equipped with surgical instruments/tools, is classified as a special receptacle or package, and the catheter is a means or method for facilitating removing, i.e. draining, nontherapeutic material from the body. Though the three structures are being used together for a single purpose, the subject matter of each article is in a completely different field and therefore requires 3 completely different searches by three different persons skilled in each respective art.

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Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, the search required for Group I is not required for Group III, and the search required for Group II is not required for Group III, restriction for examination purposes as indicated is proper.

During a telephone conversation with Richard P. Bauer, (#31,588) on June 14, 2004, a provisional election was made with traverse to prosecute the invention of III, claim 13. Affirmation of this election must be made by applicant in replying to this Office action. Claims 1-12 withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney B. White whose telephone number is (703) 308-2276.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (703) 308-0827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Rodney B. White,
Patent Examiner
Art Unit 3636
June 16, 2004


Rodney B. White
Patent Examiner